

January 26, 2010

A Regular Meeting of the Township Council of the Township of Roxbury was held on January 26, 2010 at 1715 Route 46, Ledgewood, New Jersey at 7:30 PM.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting of the Township Council of the Township of Roxbury was given as required by the Open Public Meetings Act as follows: Notice was faxed to the Daily Record, the Newark Star Ledger and the Roxbury Register on December 18, 2009; notice was posted on the bulletin board in the main hallway of the Municipal Building on December 18, 2009.

ROLL CALL (Present): Councilman Gary Behrens, Councilwoman Kathy DeFillippo, Deputy Mayor Fred Hall, Councilman Martin Schmidt, Councilman Tim Smith, and Mayor Jim Rilee

ALSO PRESENT: Christopher Raths, Township Manager; Anthony Bucco, Esq., Township Attorney; BettyLou DeCroce, Township Clerk; and Amy Rhead, Administrative Aide

Absent: Councilman Rich Zoschak was on vacation.

Mayor Rilee amended the order of the agenda to allow for the following presentation under MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS, MANAGER, ATTORNEY OR CLERK:

Mayor Rilee recognized Veteran Jesse Thomson for his service to our Country and presented him with a USS New York Commissioning plaque to be displayed on the "Never Forget Wall" located in Roxbury Town Hall.

Mayor Rilee returned to the order of the agenda

APPROVAL OF MINUTES

Minutes for Approval

May 5, 2009 Neighborhood Meeting
October 20, 2009 Neighborhood Meeting
October 27, 2009 Executive Session
December 15, 2009 Regular Meeting
January 4, 2010 Reorganization Meeting

Mr. Schmidt made a motion to approve the minutes as listed above. Mr. Smith seconded the motion.

Roll Call: Mr. Schmidt – Yes, with an abstention on October 27, 2009
Mr. Smith – Yes
Mr. Behrens – Yes
Mrs. DeFillippo – Yes, with an abstention on October 20, 2009
Deputy Mayor Hall – Yes
Mayor Rilee – Yes

Motion carried 6 to 0, with one abstention on October 20, 2009 and one abstention on October 27, 2009.

Executive Minutes to Be Released to the Public

None

PUBLIC PORTION

Christine Bassani

42 Laurie Road, Landing

Ms. Bassani stated that she is still unable to access the agendas online. Mr. Rath stated that he would have the Township's Information Technology Coordinator contact her tomorrow to assist her.

REPORTS OF COUNCIL LIAISON REPRESENTATIVES, COUNCIL COMMITTEES AND NEW BUSINESS/OLD BUSINESS

Mr. Smith stated that the Economic Development Committee is scheduled to meet next week to work on goal setting.

Mr. Smith stated that the Open Space Committee members are working on the development of a new plan and attempting to communicate expectations to the Land Conservancy. Mr. Smith stated that two public meetings will be taking place regarding the new Open Space Plan within the next few months as required for Green Acres purposes.

Mr. Behrens stated that he met with representatives from the County of Morris regarding the issues with the railroad. He prepared notes for Council members to review and/or comment on.

Mr. Behrens stated that he attended the January 11, 2010 Board of Education meeting and that Roxbury has applied for the federal "Race to the Top" grant.

Mr. Behrens reported that the Board of Education will be holding Special Budget Meetings for the public on both February 4, 2010 and February 10, 2010.

Mr. Behrens stated that he, along with Deputy Mayor Hall, also attended last night's Board of Education meeting. Mr. Behrens reported that there was some controversy about Dr. Rossi, Superintendent of Schools, denying a request from individual Board members to be notified about particular subjects via the school's Honeywell Alert System (parent notification system) as opposed to the current use of email.

Mr. Behrens reported on the important dates regarding school board elections. He stated that March 1st is the deadline for nominating petitions to be submitted to the school's Business Administrator and that the polls will be open from 7:00am until 9:00pm for Roxbury Township's School Board elections on April 20, 2010.

Mr. Behrens complimented the Jefferson School second graders for their abbreviated version of the musical performance presented prior to last night's school board meeting.

Mrs. DeFillippo stated that the Economic Development Committee meeting is scheduled for January 28, 2010.

Mrs. DeFillippo stated that the Main Street Committee meeting is scheduled for January 26, 2010.

Mrs. DeFillippo asked to get a copy of the 2010 Morris County Manual. Mrs. DeCroce stated that they will be distributed to Council members upon receipt from the County.

Mrs. DeFillippo stated that she wants the following to be done for the 2010 Town Hall Meeting:

- flyers to be printed on yellow paper
- press release sent to all newspapers with the dates of the meetings
 - ✓ including the Randolph/Roxbury edition of the Daily Record
- press releases and flyers to be emailed to Mrs. DeFillippo
- copies to be posted and available at:

- ✓ Town Hall
- ✓ Roxbury Public Library
- ✓ Senior Center
- ✓ Recreation Department
- ✓ Health Department
- ✓ Schools

Mrs. DeFillippo asked about the cost of printing the flyers for distribution to the schools. Mrs. DeCroce answered that the cost is approximately one hundred dollars for the amount of yellow paper needed for the schools.

Deputy Mayor Hall also commented on last night's school board meeting.

Deputy Mayor Hall stated that he attended this year's first Recreation Committee meeting and reported that Jim Gordon is again the chairman. Deputy Mayor Hall stated that the committee discussed issues that the Council will be addressing in executive session.

Mayor Rilee informed Council members that Senator Lezniak has proposed legislation that will abolish COAH and establish new rules. Mr. Rath stated that he is working on scheduling a COAH committee meeting to review the possible changes.

Mayor Rilee asked why the Capital Budget had a line item with a significant amount of money in it for Fire Company No. 2 when the expansion is not scheduled for this year. Mr. Rath stated that he and Mr. Kobylarz will be meeting with the Company No. 2 Committee that the wetlands and environmental reports are complete.

Mayor Rilee asked if Mr. Rath had followed up on the issue regarding the railroad and the access to the SSC property. Mr. Rath stated that Frank Pinto advised him that state approval must be obtained. Mr. Rath will include this item in his next Information Update.

Mayor Rilee asked Mrs. DeCroce why there is a difference between the health insurance costs between Randolph and Roxbury. Mrs. DeCroce answered that the differences are due to the differences in the plans.

Mrs. DeCroce informed Council members that several school districts have been applying for and have been accepted into the North Jersey Health Insurance Fund. Mrs. DeCroce suggested that the Board of Education might find it financially beneficial to consider HIF. Deputy Mayor Hall agreed and stated that this is one of the thoughts he included on his Shared Services report that he recently forwarded to Mr. Rath and Dr. Rossi.

Mayor Rilee stated that the Master Plan Committee met a few weeks ago and reviewed zoning procedures. He stated that all steps are mandated except the assistance provided by our staff in the beginning stages which is an advantage to moving the process along. A draft will be submitted to Council members within the next few months.

Mr. Rath informed Council members that the New Jersey Board of Public Utilities issued an Order to Show Cause regarding Cablevision dropping the Food Network and HGTV without giving proper notification.

Mrs. DeCroce stated that it appears that we will be receiving the PARIS Grant funding and will be able to move forward with imaging of documents within the Engineering Department. She stated that, if there is money left over, we will use it to begin scanning documents in the Planning Departments.

In regards to the census, Mrs. DeCroce stated that all mapping issues have been resolved. She also stated that she will be visiting the schools to educate the students about the reasons for and importance of conducting the census.

- A. New Business
- B. Old Business
- 1. Procurement Policy – *no discussion*

**MATTERS REQUESTED/REFERRED BY COUNCIL MEMBERS,
MANAGER, ATTORNEY OR CLERK**

A. Presentation Honoring Jesse Thomson of Roxbury by presenting the USS New York Commissioning plaque to the “Never Forget Wall”-previously presented

B. Proclamation- National Wear Red Day for Women

Mayor Rilee read the proclamation declaring “National Wear Red Day for Women” in the Township of Roxbury and encouraging citizens to wear the color red on Friday, February 5, 2010 to bring awareness to the risk factors of heart disease and stroke in women and to recognize those who have suffered from cardiovascular disease.

DRAFT ORDINANCES FOR DISCUSSION

None

INTRODUCTION OF PROPOSED ORDINANCES

03-10 AN ORDINANCE REAFFIRMING THE VACATION OF ANY AND ALL PUBLIC RIGHTS IN AND TO THE UNIMPROVED RIGHT-OF-WAY OF McCAIN STREET IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

Mr. Smith made a motion to introduce the ordinance as listed above. Mr. Schmidt seconded the motion.

Roll Call:	Mr. Smith – Yes	Mr. Schmidt – Yes
	Mr. Behrens – Yes	Mrs. DeFillippo – Yes
	Deputy Mayor Hall – Yes	Mayor Rilee – Yes

Motion carried 6 to 0.

04-10 AN ORDINANCE AMENDING CHAPTER IV, GENERAL LICENSING, SECTION 4-19, TOWING OPERATORS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY AND ESTABLISHING A REVISED FEE SCHEDULE FOR TOWING AND VEHICLE STORAGE

Dan Campbell and James Quinn from the Roxbury Police Department were available to answer questions. They informed Council members that the towing rates have not been amended since 1996 and the increases proposed by this ordinance are applicable to police towing situations only. The new rates were established based on the fees being charged by surrounding towns.

Mrs. DeFillippo made a motion to introduce the ordinance as listed above. Mr. Schmidt seconded the motion.

Roll Call:	Mr. DeFillippo – Yes	Mr. Schmidt – Yes
	Mr. Behrens – Yes	Deputy Mayor Hall – Yes
	Mr. Smith - Yes	Mayor Rilee – Yes

Motion Carried 6 to 0.

**HEARING AND ADOPTION OF ORDINANCES ON SECOND READING
01-10** AN ORDINANCE TO AMEND CHAPTER XII, SEWER AND
WATER, OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF
NEW JERSEY, TO REVISE WATER RATES

Mrs. DeFillippo made a motion to open Ordinance 01-10 to the public. Mr. Behrens seconded the motion.

Roll Call: Mrs. DeFillippo – Yes Mr. Behrens – Yes
Deputy Mayor Hall – Yes Mr. Schmidt – Yes
Mr. Smith – Yes Mayor Rilee – Yes

Motion Carried 6 to 0.

No public comment

Mr. Smith made a motion to close Ordinance 01-10 to the public. Mr. Schmidt seconded the motion.

Roll Call: Mr. Smith – Yes Mr. Schmidt – Yes
Mr. Behrens – Yes Mrs. DeFillippo – Yes
Deputy Mayor Hall – Yes Mayor Rilee – Yes

Motion Carried 6 to 0.

Deputy Mayor Hall made a motion to adopt Ordinance 01-10. Mr. Behrens seconded the motion.

Roll Call: Deputy Mayor Hall – Yes Mr. Behrens – Yes
Mrs. DeFillippo – Yes Mr. Schmidt – Yes
Mr. Smith – Yes Mayor Rilee – Yes

Motion Carried 6 to 0.

02-10 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER II,
ADMINISTRATIVE CODE, SECTION 2-17, OFFICERS AND
EMPLOYEES GENERALLY, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Mrs. DeFillippo made a motion to open Ordinance 02-10 to the public. Mr. Smith seconded the motion.

Roll Call: Mrs. DeFillippo – Yes Mr. Smith – Yes
Mr. Behrens – Yes Deputy Mayor Hall – Yes
Mr. Schmidt – Yes Mayor Rilee – Yes

Motion Carried 6 to 0.

No public comment

Deputy Mayor Hall made a motion to close Ordinance 02-10 to the public. Mr. Smith seconded the motion.

Roll Call: Deputy Mayor Hall – Yes Mr. Smith – Yes
Mr. Behrens – Yes Mrs. DeFillippo – Yes
Mr. Schmidt – Yes Mayor Rilee – Yes

Motion Carried 6 to 0.

Mrs. DeFillippo made a motion to adopt Ordinance 02-10. Deputy Mayor Hall seconded the motion.

Roll Call:	Mrs. DeFillippo – Yes	Deputy Mayor Hall – Yes
	Mr. Behrens – Yes	Mr. Schmidt – Yes
	Mr. Smith – Yes	Mayor Rilee – Yes

Motion Carried 6 to 0.

DRAFT RESOLUTIONS FOR DISCUSSION

None

INTRODUCTION AND ADOPTION OF RESOLUTIONS

10-26 A RESOLUTION INCORPORATING BY REFERENCE HEREIN AND APPROVING THE FOLLOWING NUMBERED RESOLUTIONS LISTED ON THE REGULAR COUNCIL MEETING AGENDA FOR THIS DATE: 10-27, 10-28, 10-29, 10-30, 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-37, 10-38, 10-39, 10-40, 10-41, 10-42, 10-43

Mr. Schmidt made a motion to approve Resolution 10-26. Mr. Smith seconded the motion.

Roll Call:	Mr. Schmidt – Yes	Mr. Smith – Yes
	Mr. Behrens – Yes	Mrs. DeFillippo – Yes
	Deputy Mayor Hall – Yes	Mayor Rilee – Yes

Motion Carried 6 to 0.

10-27 A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED WITH THE TOWNSHIP OF ROXBURY IN CONNECTION WITH WORK PERFORMED AND ACCEPTED IN ACCORDANCE WITH A TOWNSHIP RIGHT-OF-WAY EXCAVATION PERMIT

10-28 A RESOLUTION AUTHORIZING THE REFUND OF UNUSED ENGINEERING INSPECTION FEES POSTED WITH THE TOWNSHIP IN CONNECTION WITH WORK PERFORMED IN ACCORDANCE WITH VARIOUS TOWNSHIP MINOR SOIL RELOCATION PERMITS

10-29 A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR TREE REPLACEMENT FOR P.J. McCORP / IHOP SITE PLAN LOCATED ON ROUTE 810 ROUTE 46 BLOCK 5301, LOT 15

10-30 A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR TREE REPLACEMENT FOR ROBERT AND WILLIAM FARLEY SITE PLAN LOCATED ON 52 MAIN STREETBLOCK 3701, LOT 12

10-31 A RESOLUTION AUTHORIZING THE RELEASE OF A CASH BOND POSTED BY ROBERT FARLEY WITH REGARD TO A SOIL RELOCATION PERMIT FOR THE WILLIAM AND ROBERT FARLEY SITE PLAN APPLICATION LOCATED ON 52 MAIN STREETBLOCK 3701, LOT 12

- 10-32** A RESOLUTION AUTHORIZING THE RELEASE OF A TREE MAINTENANCE BOND POSTED BY SARANELLI & ASSOCIATES LOCATED ON 165 ROUTE 10 BLOCK 3603, Lot 4
- 10-33** A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH FINNE BUILDING AND INVESTMENT INC. FOR THE CONSTRUCTION OF A PUBLIC WORKS FACILITY
 Mayor Rilee stated, for the record, that Suburban Engineering is the engineer submitting the change order for this project.
- 10-34** A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH LANDTEK GROUP, INC. FOR ROXBURY HIGH SCHOOL ATHLETIC FIELD IMPROVEMENTS
 Mr. Rath stated that the change order has been discussed and approved by the School Board.
- 10-35** A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MAISER CONSULTING P.A. FOR PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE ROXBURY HIGH SCHOOL FOOTBALL FIELD IMPROVEMENTS PROJECT
- 10-36** RESOLUTION AUTHORIZING REFUND OF TAXES FOR A TOTALLY DISABLED VETERAN EXEMPTION
- 10-37** A RESOLUTION AUTHORIZING THE TAX & UTILITY COLLECTOR TO PROCESS THE CANCELLATION OF ANY PROPERTY TAX, SEWER OR WATER UTILITY REFUND OR DELINQUENCY FOR 2009 OF LESS THAN \$10.00
- 10-38** A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OR ASSESSMENTS
- 10-39** A RESOLUTION AUTHORIZING THE REFUND OF TAXES
- 10-40** A RESOLUTION AUTHORIZING CERTIFICATES OF EXEMPTION FOR MEMBERS OF THE ROXBURY TOWNSHIP FIRE DEPARTMENT
- 10-41** A RESOLUTION AMENDING THE MEMBERSHIP OF THE TOWNSHIP FIRE DEPARTMENT
- 10-42** A RESOLUTION AUTHORIZING THE REFUND OF FORFEITED BAIL TO MRS. CATHERINE KLIE
- 10-43** A RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

PERSONNEL CHANGES

No discussion

COMMUNICATIONS

January 22, 2010

#4 Correspondence from St. Therese School, received January 14, 2010, re: letter regarding this years Catholic Schools Week theme, entitled “Catholic Schools – Dividends for Life”; schedule of activities and invitation to attend

Deputy Mayor Hall stated that he would be attending this event.

PUBLIC PORTION

**Ms. Christine Bassani
42 Laurie Road, Landing**

Ms. Bassani suggested using the school’s Honeywell Alert System (parent notification system) to notify residents about the Neighborhood Meeting rather than spending money on yellow paper. Mrs. DeFillippo stated that she felt the yellow paper was a recognizable reminder.

EXECUTIVE SESSION

10-44 A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF ROXBURY, IN THE COUNTY OF MORRIS, NEW JERSEY AUTHORIZING CONFERENCE OF THE TOWNSHIP COUNCIL WITH THE PUBLIC EXCLUDED

Mr. Smith made a motion to adopt Resolution 10-44 for Executive Session. Mr. Schmidt seconded the motion.

Roll Call:	Mr. Smith – Yes	Mr. Schmidt – Yes
	Mr. Behrens – Yes	Mrs. DeFillippo – Yes
	Deputy Mayor Hall – Yes	Mayor Rilee – Yes

Motion Carried 6 to 0.

ADJOURNMENT

At 9:00PM, Deputy Mayor Hall made a motion to adjourn the regular meeting. Mr. Schmidt seconded the motion.

All in Favor - Yes

Motion Carried 6 to 0.

Submitted By:

BettyLou DeCroce
Township Clerk

MINUTES APPROVED BY COUNCIL

DATE:	April 13, 2010	
ROLL CALL:	Mr. Schmidt – Yes	Mrs. DeFillippo – Yes
	Mr. Behrens – Yes	Deputy Mayor Hall – Yes
	Mr. Smith – Yes	Mr. Zoschak – Abstained
	Mayor Rilee - Yes	